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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/221,656 12/23/98 YAMAMOTO

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EXAMINER

TM02/0716

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POINT OF INVENTION	
ART UNIT	PAPER NUMBER

2164
DATE MAILED:

07/16/01

19

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

SM

Office Action Summary

Application No.

09/221,656

Applicant(s)

YAMAMOTO et al.

Examiner

Frantzy Polnvil

Art Unit

2164



– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on Apr 2, 2001

2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-71 is/are pending in the application

4a) Of the above, claim(s) _____ is/are withdrawn from consideration

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-71 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirements

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☐ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

20) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 33-50 and 52-71 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Kawashima (5,168,445) et al in view of Rembert (5,101,352).

Claims 8-32 and 51 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Kawashima (5,168,445) et al and Rembert (5,101,352) considered with Beasley et al (US Patent No. 4,827,423).

Applicant's representative argues that the combination of Kawashima, Rembert and Beasley fails to teach or suggest a conclusion of obviousness of the steps of receiving sales information from the plurality of points of sales terminals". Applicant then argues that Beasley teaches a manufacturing system which has nothing to do with POS terminals.

In response, applicant should note that the rejection is based on a combination of references, not on a specific reference taken individually. The notion of receiving sales data from a plurality of POS is not an inventive concept. Several stores like WallMart or Kmart receive sales data or inventory data from their respective POS terminals. Likewise it is clearly recited in

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the prior Office action that the step of receiving sales data is clearly taught by Kawashima as noted on column 2, lines 62-65 of Kawashima. The steps of determining raw materials have been noted to be taught by Rembert at column 1, line 13 to column 2, line 68. Transferring a production amount for manufacturing and determining required quantities of raw materials for manufacturing a product is also abundantly recited in Rembert. Arguments that Beasley is a manufacturing system and has nothing to do with POS terminals or data are not convincing because Beasley et al teaching receiving process information and raw materials data for producing a plurality of different products. Note column 2 of Beasley et al. The products are products to be delivered to other organizations. Thus the references are related by receiving products to manufacture and determining raw materials necessary to produce the specific products.

Claim 29 recites "a flexible manufacturing controller which is operatively connected to the production size determining unit". Applicant is directed to figures 11-12 of Beasley et al.

Applicant has amended claims 33 and 52 to recite two different transmitting steps. As per these limitations, Beasley et al comprises various means for controlling the manufacturing of the production quantity of a specific product. Applicant is directed to figures 11 and 12 and column 3 of Beasley et al.

Applicant then argues that there is no teaching or suggestion in the combination proposed that the main production controller transmits output data indicative of the production quantity determined by the production size determining unit to the production unit and the production unit

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manufactures the production quantity of the plurality of goods in response to receiving the output data indicative of the production quantity from the main controller.

In response, a production unit or manufacturing unit usually receives a type and quantity of goods to produce as would be determined by a controller. Applicant is referred to the combined teachings in the prior Office action. Quantity to produce are based on marketing, potential demands and quantity that are usually sold based on inventory and/or forecast analysis.

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

3.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil, whose telephone number is

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(703) 305-9779. The examiner can normally be reached on Monday through Thursday from 7:30 AM to 6:00 PM.

The fax phone number for this Art Unit is (703) 305-0040.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

FP

16Jul01


Frantzy Poinvil
Primary Examiner
Art Unit 2164